

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

---

**THIRTY-SEVENTH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 13, 2007**

Senate Chamber

President Risch called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senator Little, absent on legislative business and formally excused by the Chair; and Senator Gannon, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Paden Carlson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 12, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Gannon was recorded present at this order of business.

February 13, 2007

The JUDICIARY AND RULES Committee reports that **S 1124, S 1125, S 1126, S 1127, S 1128, S 1129, S 1130, S 1131, S 1132, S 1133, S 1134, S 1135, S 1136, S 1137, S 1138, S 1139, S 1140, S 1141, S 1142, S 1143, S 1144, S 1145, S 1146, S 1147, S 1148, S 1149, SCR 107, SCR 108, SCR 109, SCR 110, SJM 103, SJM 104, and SJR 103** have been correctly printed.

DARRINGTON, Chairman

**S 1124, S 1125, and S 1126** were referred to the Commerce and Human Resources Committee.

**S 1127, S 1128, S 1129, S 1136, and S 1137** were referred to the Resources and Environment Committee.

**S 1130, S 1131, S 1132, S 1133, S 1134, S 1135, and S 1138** were referred to the Transportation Committee.

**S 1139, S 1140, and S 1141** were referred to the Education Committee.

**S 1142 and S 1149** were referred to the Judiciary and Rules Committee.

**S 1143, S 1144, S 1145, S 1146, S 1147, and S 1148** were referred to the Health and Welfare Committee.

**SCR 108, SCR 109, and SCR 110** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

**SJR 103** was referred to the State Affairs Committee.

On request by Senator Lodge, granted by unanimous consent, **SJM 104** was referred to the Health and Welfare Committee.

On request by Senator Schroeder, granted by unanimous consent, **SCR 107 and SJM 103** were referred to the Resources and Environment Committee.

February 12, 2007

The JUDICIARY AND RULES Committee reports out **H 66** with the recommendation that it do pass.

DARRINGTON, Chairman

**H 66** was filed for second reading.

February 12, 2007

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

William B. Booth to the Northwest Power and Conservation Council, term to expire January 15, 2010.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 12, 2007

The JUDICIARY AND RULES Committee reports out **H 54** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 54** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

February 12, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1006, S 1008, S 1009, S 1034, and S 1035**

As Always- Idaho, "*Esto Perpetua*"  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

### Messages from the House

February 12, 2007

Mr. President:

I transmit herewith **HCR 9, H 86, and H 87** which have passed the House.

JUKER, Chief Clerk

**HCR 9, H 86, and H 87** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President announced that **SCR 106** was before the Senate for final consideration.

Moved by Senator Goedde, seconded by Senator Malepeai, that **SCR 106** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Jorgenson, Little. Total - 2.

Total - 35.

Whereupon the President declared **SCR 106** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1150

#### BY JUDICIARY AND RULES COMMITTEE

#### AN ACT

RELATING TO THE COMMISSION OF PARDONS AND PAROLE; AMENDING SECTION 20-210, IDAHO CODE, TO INCREASE COMPENSATION TO COMMISSION MEMBERS.

#### S 1151

#### BY JUDICIARY AND RULES COMMITTEE

#### AN ACT

RELATING TO TORT CLAIMS AGAINST GOVERNMENTAL ENTITIES; AMENDING CHAPTER 9, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-902A, IDAHO CODE, TO PROVIDE THAT SUPERVISORY PHYSICIANS SHALL BE CONSIDERED EMPLOYEES FOR PURPOSES OF TORT CLAIMS ACT INSURANCE COVERAGE, TO DEFINE TERMS, TO PROVIDE THAT SPECIFIC LIABILITY EXCEPTIONS AND LIMITS SHALL BE INAPPLICABLE IN CERTAIN CASES AND TO PROVIDE THAT CERTAIN CLAIMS AGAINST SUPERVISORY PHYSICIANS SHALL NOT BE SUBJECT TO MEDICAL MALPRACTICE.

#### S 1152

#### BY JUDICIARY AND RULES COMMITTEE

#### AN ACT

RELATING TO MOTOR VEHICLE DEALERS AND SALESMEN LICENSING; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1638, IDAHO CODE, TO PROVIDE FOR PAYMENT OF CLAIMS OR OTHER COMPENSATION TO MOTOR VEHICLE DEALERS UNDER A MANUFACTURER INCENTIVE PROGRAM FOR MOTOR VEHICLE DEALERS AND TO PROVIDE CONDITIONS UNDER WHICH A MANUFACTURER OR DISTRIBUTOR CAN AND CANNOT CHARGE BACK TO A MOTOR VEHICLE DEALER THE AMOUNT OF A CLAIM OR CASH VALUE OF A PRIZE AWARDED TO A DEALER UNDER A MANUFACTURER INCENTIVE PROGRAM.

#### S 1153

#### BY JUDICIARY AND RULES COMMITTEE

#### AN ACT

RELATING TO THE SMALL LAWSUIT RESOLUTION ACT; AMENDING SECTION 7-1503, IDAHO CODE, TO INCREASE THE AMOUNT OF TOTAL CLAIMS FOR DAMAGES FOR ACTIONS SUBJECT TO THE SMALL LAWSUIT RESOLUTION ACT; AND AMENDING SECTION 7-1509, IDAHO CODE, TO INCREASE THE MAXIMUM AMOUNT OF

TOTAL DAMAGES ALLOWABLE PURSUANT TO AN EVALUATOR'S DECISION AND TO REFERENCE THE INCREASED AMOUNT IN PROVISIONS RELATING TO TRIAL COURT ACTIONS.

**S 1154**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO ATTORNEY'S FEES IN CIVIL ACTIONS; AMENDING SECTION 12-120, IDAHO CODE, TO INCREASE THE MAXIMUM DOLLAR AMOUNT PLEADED OR CLAIMED FOR PURPOSES OF ALLOWED COSTS.

**S 1155**

**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO MODULAR BUILDINGS; AMENDING SECTION 39-4103, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING SECTION 39-4105, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4107, IDAHO CODE, TO REVISE INSPECTION FEE REFERENCES FOR MODULAR BUILDINGS AND TO REVISE A CODE REFERENCE; REPEALING SECTION 39-4121, IDAHO CODE, RELATING TO MODULAR BUILDINGS; REPEALING SECTION 39-4122, IDAHO CODE, RELATING TO COMMERCIAL COACHES; REPEALING SECTION 39-4128, IDAHO CODE, RELATING TO RECIPROCITY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 43, TITLE 39, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR A MODULAR BUILDING ADVISORY BOARD, TO SET FORTH FEES, TO PROVIDE FOR AN INSIGNIA OF APPROVAL, TO REQUIRE PREAPPROVAL FOR MODIFICATIONS, TO PROVIDE FOR RECIPROCITY OF STANDARDS WITH OTHER STATES, TO PROVIDE THAT VIOLATIONS ARE MISDEMEANORS AND TO SET FORTH PENALTIES; AMENDING SECTION 49-104, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 54-1001D, IDAHO CODE, TO REVISE INSPECTION FEE REFERENCES FOR MODULAR BUILDINGS; AMENDING SECTION 54-1016, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING SECTION 54-2602, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING SECTION 54-2622A, IDAHO CODE, TO REVISE INSPECTION FEE REFERENCES FOR MODULAR BUILDINGS; AMENDING SECTION 54-5002, IDAHO CODE, TO REVISE TERMINOLOGY AND CODE REFERENCES; AMENDING SECTION 54-5006, IDAHO CODE, TO REVISE INSPECTION FEE REFERENCES FOR MODULAR BUILDINGS; AMENDING SECTION 54-5205, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3606A, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 67-2601, IDAHO CODE, TO REVISE ADMINISTRATOR DUTIES; AND AMENDING SECTION 67-8203, IDAHO CODE, TO REVISE A DEFINITION.

**S 1150, S 1151, S 1152, S 1153, S 1154, and S 1155** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HCR 9**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

**H 86** and **H 87**, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1084**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 23** and **H 64**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

On request by Senator Stegner, granted by unanimous consent, **H 33** retained its place on the Third Reading Calendar for one legislative day.

**S 1032** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and McGee arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total- 32.

NAYS--Burkett, McKague. Total - 2.

Absent and excused--Little. Total - 1.

Total - 35.

Whereupon the President declared **S 1032** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 11 a.m., Wednesday, February 14, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary